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8

9 UNITED STATES BANKRUPTCY COURT
10 CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION
11

12 In re
13 NORTHERN HOLDING, LLC,
14 Debtor.
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Case No. 8:20-bk-13014-MW

Chapter 7

STIPULATION TO CONTINUE
HEARING ON FARM CREDIT WEST,
FCLA’S MOTION FOR RELIEF FROM
STAY AND TO SET HEARING ON
BROKER EMPLOYMENT
APPLICATION WITH MODIFIED
RESPONSIVE DEADLINES

Continued (Proposed) Hearing

Date: August 30, 2021

Time: 2:00 p.m.

Ctrm: 6C¹

Address: 411 W. Fourth Street, Santa Ana,
CA 92701

22 TO THE HONORABLE MARK S. WALLACE, UNITED STATES BANKRUPTCY JUDGE, THE
23 OFFICE OF THE UNITED STATES TRUSTEE, AND ALL INTERESTED PARTIES:

24 This stipulation is entered into between Richard A. Marshack, in his capacity as Chapter 7
25 Trustee (“Trustee”) of the Bankruptcy Estate (“Estate”) of Northern Holding, LLC (“Debtor”), on
26 one hand, and Farm Credit West, FCLA (“FCW”), on the other hand, through undersigned counsel,
27

28 ¹ Effective as of July 19, 2021, in-person hearing appearances are allowed before Judge Wallace.
Otherwise, telephonic appearances are permitted pursuant to the Court’s procedures.

1 with regard to the motion for relief from the automatic stay filed by FCW on November 6, 2020, as
2 Docket No. 11 (“Motion”), and the Trustee’s application to jointly employ Onyx Advisors, LLC and
3 Hilco Real Estate, LLC, filed as Docket No. 140 (“Application”). The hearing on the Motion was
4 continued and is currently set for August 2, 2021 at 9:00 a.m., and the Application has not been set
5 for hearing. Collectively, the Trustee and FCW will be referred to as the “Parties.”

6 **Recitals**

7 A. On October 28, 2020, Debtor filed a voluntary petition for bankruptcy under Chapter
8 11 of Title 11 of the United States Code. FCW is the senior secured lender holding a lien on
9 substantially all assets of the Debtor.

10 B. On November 6, 2020, as Dk. No. 11, FCW filed the Motion. The Motion was
11 opposed by the Debtor.

12 C. On December 2, 2020, as Dk. No. 32, the Court entered an order continuing the
13 hearing on the Motion to March 22, 2021.

14 D. The hearing on the Motion was further continued to June 14, 2021. *See* Dk. No. 94.

15 E. On June 15, 2021, as Dk. No. 116, the Court entered an order converting the case to
16 Chapter 7. Richard A. Marshack is the duly-appointed and acting Chapter 7 trustee for the Estate.

17 F. On June 30, 2021, as Dk. No. 128, the Court entered an order granting limited relief
18 on the Motion and scheduling a final hearing on the Motion for August 2, 2021.

19 G. On July 16, 2021, as Dk. No. 140, the Application was filed. The Application was set
20 on negative notice pursuant to Local Bankruptcy Rule 9013-1(o). FCW may have an opposition or
21 response to the Application and requests that a hearing be set on the Application concurrently with
22 the Motion.

23 H. On July 19, 2021, as Dk. No. 144, the Parties filed a stipulation to modify certain
24 responsive pleading deadlines for the Motion.

25 I. The Parties continue to negotiate regarding the proposed distribution of proceeds on a
26 pending offer for the purchase of the Live Oak Property, preservation of FCW’s collateral, and for
27 the funding of any further case administration or operational expenses.
28

1 J. Under the Local Bankruptcy Rules and based on the continued hearing date, an
2 opposition to the Motion would be due on July 19, 2021. As set forth below, the opposition and
3 response deadlines shall be modified by stipulation of the Parties to allow negotiations to continue.

4 The Parties agree and STIPULATE as follows:

5 1. A hearing on the Application shall be set for August 30, 2021 at 2:00 p.m. and the
6 Trustee shall provide notice of the hearing pursuant to the Local Bankruptcy Rules;

7 2. The hearing on the Motion shall be continued for a minimum of three weeks to allow
8 the Parties to continue negotiations, to August 30, 2021 at 2:00 p.m., concurrently with a hearing on
9 the Application;

10 3. The deadline to file an opposition to the Motion (as to the Trustee) and the
11 Application (as to FCW) shall be specially set and extended to August 23, 2021;

12 4. The deadline to file a reply in support of the Motion (as to FCW) and the Application
13 (as to the Trustee) shall be extended to August 27, 2021, or the Parties may respond orally at the
14 hearing on the Motion and Application to any opposition; and

15 5. This stipulation may be executed in one or more counterparts and facsimile or
16 electronic signatures may be used in filing this document with the Court.

17
18 Dated: July 27, 2021

FRANZDEL ROBINS BLOOM & CSATO, L.C.

19
20 By: 
21 REED S. WADDELL
MICHAEL J. GOMEZ

22
23 Dated: July 27, 2021

MARSHACK HAYS LLP

24 By: /s/ D. Edward Hays
25 D. EDWARD HAYS
26 TINHO MANG
Attorneys for Chapter 7 Trustee
27 RICHARD A. MARSHACK
28

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
870 Roosevelt, Irvine, CA 92620

A true and correct copy of the foregoing document entitled: **STIPULATION TO CONTINUE HEARING ON FARM CREDIT WEST, FCLA'S MOTION FOR RELIEF FROM STAY AND TO SET HEARING ON BROKER EMPLOYMENT APPLICATION WITH MODIFIED RESPONSIVE DEADLINES** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **July 27, 2021**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**: On **July 27, 2021**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

DEBTOR

NORTHERN HOLDING, LLC
ATTN: OFFICER, A MANAGING OR GENERAL AGENT,
OR TO ANY OTHER AGENT AUTHORIZED BY
APPOINTMENT OR LAW TO RECEIVE SERVICE
13217 JAMBOREE RD #429
TUSTIN, CA 92782

☐ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **July 27, 2021**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

VIA PERSONAL DELIVERY: PRESIDING JUDGE'S COPY

HONORABLE MARK S. WALLACE
UNITED STATES BANKRUPTCY COURT, CENTRAL DISTRICT OF CALIFORNIA
RONALD REAGAN FEDERAL BUILDING AND COURTHOUSE
411 WEST FOURTH STREET, SUITE 6135 / COURTROOM 6C
SANTA ANA, CA 92701-4593

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

July 27, 2021
Date

Layla Buchanan
Printed Name

/s/ Layla Buchanan
Signature

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** CONTINUED:

- **ATTORNEY FOR U.S. TRUSTEE (SA):** Nancy S Goldenberg nancy.goldenberg@usdoj.gov
- **ATTORNEY FOR CREDITOR FARM CREDIT WEST, FLCA:** Michael J Gomez mgomez@frandzel.com, dmoore@frandzel.com
- **ATTORNEY FOR TRUSTEE RICHARD A MARSHACK (TR):** D Edward Hays ehays@marshackhays.com, ehays@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com; cmendoza@marshackhays.com; cmendoza@ecf.courtdrive.com
- **ATTORNEY FOR TRUSTEE RICHARD A MARSHACK (TR):** Tinho Mang tmang@marshackhays.com, tmang@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com; cmendoza@ecf.courtdrive.com
- **TRUSTEE RICHARD A MARSHACK (TR):** Richard A Marshack (TR) pkraus@marshackhays.com, rmarshack@iq7technology.com; ecf.alert+Marshack@titledxi.com
- **INTERESTED PARTY COURTESY NEF:** Elissa Miller emiller@sulmeyerlaw.com, emillersk@ecf.inforuptcy.com; ccaldwell@sulmeyerlaw.com
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- **UNITED STATES TRUSTEE (SA):** United States Trustee (SA) ustpregion16.sa.ecf@usdoj.gov
- **ATTORNEY FOR CREDITOR FARM CREDIT WEST, FLCA:** Reed S Waddell rwaddell@frandzel.com, sking@frandzel.com
- **ATTORNEY FOR CREDITOR FARM CREDIT WEST, FLCA:** Gerrick Warrington gwarrington@frandzel.com, sking@frandzel.com
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